

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Chastity Shields, <u>et al.</u> ,)	
)	
Plaintiff,)	Case No. 1:09-CV-309
)	
vs.)	
)	
FedEx Customer Information)	
Services, Inc., <u>et al.</u> ,)	
)	
Defendants.)	

O R D E R

Presently before the Court are motions for summary judgment filed by Defendant FedEx Customer Information Services, Inc. ("FCIS") (Doc. Nos. 71, 73, 75) addressed to the claims of Plaintiffs Mercedes Davis, Angela Williams, and Theah Barber. On review of the pleadings and submissions of the parties, the Court finds that there are no genuine issues of material fact to be tried and that Defendant is entitled to summary judgment on the claims of these Plaintiffs. Accordingly, Defendant's motions for summary judgment are well-taken and are **GRANTED**.

A memorandum setting forth the Court's analysis and the reasons for this order will be issued in due course. The Court does state, however, that the basic reason for these rulings is that the record demonstrates that FCIS promulgated an effective anti-harassment policy and Plaintiffs unreasonably failed to take advantage of preventative or corrective opportunities provided by the employer to avoid harassment. Burlington Ind., Inc. v.

Ellerth, 524 U.S. 763, 765 (1998). The result is the same even taking into consideration exhibits FCIS moves to strike from Plaintiffs' memoranda in opposition to the motions for summary judgment. Accordingly, Plaintiffs' motions to continue in order to supplement the record (Doc. Nos. 102, 103, 104, 105) in order to properly authenticate the subject exhibits are **MOOT**. The parties' joint motion to continue the trial (Doc. No. 107) is not well-taken and is **DENIED**.

IT IS SO ORDERED

Date November 2, 2010

s/Sandra S. Beckwith
Sandra S. Beckwith
Senior United States District Judge